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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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27975	7590	01/26/2006	EXAMINER	
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791			TRINH, MINH N	
			ART UNIT	PAPER NUMBER
			3729	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,842

Applicant(s)

NELSON ET AL.

Examiner

Minh Trinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-59 is/are pending in the application.
- 4a) Of the above claim(s) 51-59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/12/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I (claims 37-50) in the reply filed on 11/7/05 is acknowledged. The traversal is on the ground(s) that the examiner has not established a prima facie case of serious burden of examination of the inventions of Groups I and II together. This is not found persuasive because the examiner has, established a prima facie case having shown in prior Office action (refer paragraphs 1 & 2), that the invention of group I has a separate classification and each have a separate status in the art and clearly have a separate field of search in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated in the Prior action is proper. In accordance with MPEP §803, the examiner has demonstrated that the inventions of Group I and II are each independent or distinct as claimed (as indicated in prior Office action, paragraph 1). Therefore, applicants' reasons are not persuasive, because examination of the independent inventions herein would present a serious burden to the Examiner in as much as the searches are not coextensive and the art is quite prolific Accordingly, the requirement is repeated and **MADE FINAL.**

2. Claims 51-59 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 11/07/06.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: -- Method for making coaxial cable—or the like.
4. The abstract should have been revised to reflect the claimed method invention.
5. “A method” (line 1 of claims 37-50) should have been:-- The method--.

Drawings

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, “first and second connectors” and “first and second ends of the coaxial jumper cable” as recited in claim 50, etc., must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 37-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear as to how the tin layer can be forming on "an aluminum outer layer" (see claim 37, lines 3-4) without the providing of the inner conductive and other layers associated therefrom. It is noted that for this step to be done the process should have been included the forming of the inner and outer aluminum outer layer in prior to the forming of the tin layer.

Claim 37 (lines 4-6) recites "the jumper coaxial cable further comprising the inner and outer conductors, etc.," which is structural limitations that made the scope of the

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claim unclear. It is also noted that claims directed to a method of making the jumper coaxial cable rather than the cable its self.

“the inner and outer conductors”(claim 37,line 6) lacks proper antecedent basis.

It is al so not know as to how the soldering step can be successful executed without the insertion and cutting or stripping of the outer protecting layer of the solder type of connector onto the outer surface of the cable in prior to the soldering stage. Beyond many other things, claim 37 appears to be incomplete.

It is not clear as to how the process of claims 45-50 are being operatively link or connected to the method as claimed in claim 37 because there is no connection between them. Further, it is also not known whether “the outer conductor” (claim 46, line 2-3; claim 47, lines 3, 5, claim 49, line 3, etc.,) is directed to “the tin layer” or the aluminum layer since both are outer conductor layers.

It is not clear whether “first connector” (claim 50, line 3) is the same as “at least one connector” of claim 37, line 7?

It is noted that no art rejections have been applied to claims 46-50, since there are a great deal of confusion an uncertainty as to the proper interpretation of the limitations of the above claims. Therefore, it would not be proper to reject such claims on the basis of prior art. See MPEP 2173.06.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 37-50 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Leibfried, Jr (5,232,377) in view of Cooke et al (4,169,770).

Leibfried discloses a method for making a coaxial cable jumper assembly comprising: providing a coaxial cable having an inner conductor 86 and a dielectric layer 84 between the inner and outer conductors (see Fig. 5); and soldering at least one connector to the conductor or tin layer adjacent at least one respective end of the jumper coaxial cable (see Fig. 5). However, Leibfried does not disclose the tin layer as the outer conductor. Cooke et al disclose such (see col. 1, lines 6-22). Therefore it would have been obvious at the time of the invention was made to employ the Cooke's teaching as described above in order to form a desired conductive layer.

Furthermore, tin or aluminum or the like are well known materials. It would have been an obvious matter of design choice to choose any desired conductive layer materials for outer conductive layer or additional layer therefrom since applicant has not disclosed that these features are critical, patentably distinguishing features and it appears that the invention would perform equally well with the teachings where the outer layer are being conductor for connecting to the connector portion by soldering (see Leibfried 's Fig.5).

Limitations of claims 38-45 are also met by the modified teachings above.

Regarding claims 46-50. It is noted that no art rejections have been applied to these claims, since there are a great deal of confusion and uncertainty as to the proper interpretation of the limitations of the above claims. Therefore, it would not be proper to reject such claims on the basis of prior art. See MPEP 2173.06.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (571) 272-4569. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mt
1/19/06

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MINH TRINH
PRIMARY EXAMINER